

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK LEASE ACCEPTANCE

This is to certify that: C M LLC
737 N 7TH ST
BOISE ID 83702
(208) 342-3563

has requested to lease the water right(s) listed below to the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board") being authorized to operate a bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director", "Department") the acquisition of water rights for the Board's Bank, agrees to lease the water right to the Bank as follows:

Summary of Water Rights or Portions Leased to the Bank

	<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
	63-5109	1.26 CFS	NA	NA	23 AC
	63-5373	0.50 CFS	NA	NA	9 AC
COMBINED LEASE TOTALS:		1.76 CFS	NA	NA	31 AC

TERM OF LEASE:

Lease Begin Date: October 16, 2007

Expiration Date: December 31, 2012

RENTAL AVAILABILITY:

Season of Use: March 15 to November 15 annually

MINIMUM PAYMENT ACCEPTABLE:

Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 7th day of February, 20 11



GARY SPACKMAN, Interim Director
Department of Water Resources

WATER RIGHT NO. 63-5109
WATER SUPPLY BANK LEASE ACCEPTANCE

The water right or portion thereof leased to the bank is described as follows:

Lessor: C M LLC
 737 N 7TH ST
 BOISE ID 83702
 (208) 342-3563

Priority Date: 04/26/1889

Source: THORN CREEK **Tributary to:** MORES CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.46 CFS	
STOCKWATER	04/01	to 11/30	0.02 CFS	
MINING	04/01	to 11/30	0.78 CFS	
Total:			1.26 CFS	

LOCATION OF POINT(S) OF DIVERSION:

THORN CREEK	NE¼NE¼	Sec. 30	Twp 05N	Rge 05E	BOISE County
THORN CREEK	NW¼NE¼	Sec. 30	Twp 05N	Rge 05E	BOISE County (Injection)
THORN CREEK	Nw¼NE¼	Sec. 30	Twp 05N	Rge 05E	BOISE County (Rediversion)

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05E	30	14	9.0															23

Total Acres: 23

PLACE OF USE TO BE IDLED UNDER THIS LEASE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05E	30	X	X															

PLACE OF USE TO BE IDLED UNDER THIS LEASE: MINING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05E	30	X																

CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.

**WATER RIGHT NO. 63-5109
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
9. In accordance with Idaho Code § 42-248 and 42-1409(6), all owners of water rights are required to notify the department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.
11. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
12. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
13. Prior to rental of the right from the bank, additional review may be required to confirm the validity of the right and availability of the surface water source.
14. Prior to rental of the right from bank, additional information and review may be required to confirm the historic consumptive water use.

The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of February, 20 11


for GARY SPACKMAN, Interim Director
Department of Water Resources

WATER RIGHT NO. 63-5373
WATER SUPPLY BANK LEASE ACCEPTANCE

The water right or portion thereof leased to the bank is described as follows:

Lessor: C M LLC
 737 N 7TH ST
 BOISE ID 83702
 (208) 342-3563

Priority Date: 01/01/1925

Source: PLACER CREEK

Tributary to: THORN CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.18 CFS	
DOMESTIC	01/01	to 12/31	0.04 CFS	
INDUSTRIAL	01/01	to 12/31	0.46 CFS	
	Total:		0.50 CFS	

LOCATION OF POINT(S) OF DIVERSION:

PLACER CREEK N¼NE¼ Sec. 30 Twp 05N Rge 05E BOISE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: DOMESTIC & INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	05E	30		X															

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	05E	30		9.0															

Total Acres: 9.0

CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease.
5. While a water right is in the bank, forfeiture provisions are stayed.

**WATER RIGHT NO. 63-5373
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CONDITIONS OF ACCEPTANCE

6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
9. In accordance with Idaho Code § 42-248 and 42-1409(6), all owners of water rights are required to notify the department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.
11. The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
12. Domestic use is for 1 home.
13. The place of use does not include State public endowment lands.
14. Industrial use is for a mining operation.
15. The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
16. Prior to rental of the right from the bank, additional review may be required to confirm the validity of the right and availability of the surface water source.
17. Prior to rental of the right from bank, additional information and review may be required to confirm the historic consumptive water use.

The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of February, 2011


for GARY SPACKMAN, Interim Director
Department of Water Resources